United Nations S/AC.49/2016/34

Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 20 June 2016 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

The Permanent Mission of China to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 40 of Council resolution 2270 (2016), has the honour to submit the report of China on its implementation of Council resolution 2270 (2016) (see annex).

16-11390 (E) 130716 200716

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Annex to the note verbale of 20 June 2016 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

[Original: Chinese]

Report of China on implementation of United Nations Security Council resolution 2270 (2016)

1. China supports the adoption of resolution 2270 (2016) by the Security Council. That resolution clearly expressed the resolute opposition of the international community to nuclear testing and the possession of nuclear weapons by the Democratic People's Republic of Korea, as well as the commitment of the international community to the resolution of the problems of the Korean peninsula by peaceful, diplomatic and political means, while reiterating its support and appeal for the resumption of the Six-Party Talks.

2. China has consistently taken a responsible attitude toward fulfilling its international obligations under the Charter of the United Nations and implementing the resolutions of the Security Council, and has put a series of effective operational mechanisms and practices in place. Following the adoption of resolution 2270 (2016), the Ministry of Foreign Affairs was authorized by the State Council to issue a notification circular requiring the implementation of the resolution by all Chinese Government departments and ministries, provinces, autonomous regions, and province-level municipalities, as well as the Hong Kong and Macao Special Administrative Regions.

3. The following measures have been taken to implement Security Council resolution 2270 (2016):

(a) China has traditionally adopted a serious and responsible approach to the export of military products, and has exercised rigorous management in this area. In accordance with the provisions of the resolution, the Chinese Government has taken measures to prohibit the export to the Democratic People's Republic of Korea of all arms and related materiel, including small arms and light weapons and related materiel, as well as prohibiting the provision to the Democratic People's Republic of Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel; it has prohibited any form of technical activities with the Democratic People's Republic of Korea involving launches using ballistic missile technology, including the launching of satellites and space vehicles; it has prohibited the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training, as well as the provision to the Democratic People's Republic of Korea of specialized teaching of or training in disciplines which could contribute to proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems.

(b) China has instituted a comprehensive system of export-control laws and regulations covering nuclear, biological, chemical and ballistic-missile items and technologies, as well as all military items. The scope of export-control regulations currently in force in China essentially reflects common international practice; it is on this basis that China will continue to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), as well as the lists of items and technologies designated by the Security Council Committee

established pursuant to resolution 1718 (2006) that the Democratic People's Republic of Korea is prohibited from procuring.

To implement the provisions of resolution 2270 (2016) and the decisions of the committee, the Chinese Ministry of Commerce, the Ministry of Industry and Information Technology, the China Atomic Energy Authority and the General Administration of Customs have announced, in accordance with the Foreign Trade Law of the People's Republic of China, a prohibition on the export to the Democratic People's Republic of Korea of dual-use items and technologies related to weapons of mass destruction and their means of delivery.

(c) The Chinese Government has taken measures to require the freezing of funds, financial assets and economic resources on Chinese territory owned or controlled, directly or indirectly, by the persons or entities designated under resolutions 2087 (2013), 2094 (2013) and 2270 (2016) or by the Committee as being engaged in or providing support for, including through other illicit means, nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at their direction, and to ensure that any funds, financial assets or economic resources are prevented from being made available by Chinese nationals or by any persons or entities within Chinese territory, to or for the benefit of such persons or entities. The Chinese Government has also taken measures to refuse entry to persons whom the Security Council has requested to be banned from travel, and to close the representative offices in China of entities under sanction.

(d) The Chinese Government has taken measures to deny port entry to the vessels of the Democratic People's Republic of Korea firm Ocean Maritime Management (OMM) listed in Security Council resolution 2270 (2016). In accordance with that resolution, the Chinese Government has also requested cargo inspections and control measures in the shipping and air-cargo domains, including inspection of cargo destined for or originating in the Democratic People's Republic of Korea that is within or transiting through Chinese territory, so as to prevent the transfer of items in violation of the resolutions concerned; it has prohibited the leasing or chartering on behalf of the Democratic People's Republic of Korea of Chinese-flagged vessels by Chinese nationals and persons within China, or the provision to the Democratic People's Republic of Korea of air crews or vessel-crew services; and has prohibited Chinese nationals or entities subject to Chinese jurisdiction from registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of the Democratic People's Republic of Korea, owning, leasing or operating any Democratic People's Republic of Korea-flagged vessels whatsoever, or providing vessel classification, certification, insurance or other services to such vessels.

(e) In order to implement the requirements of resolution 2270 (2016) with regard to mineral products, the Chinese Ministry of Commerce and the General Administration of Customs have announced, in accordance with the Foreign Trade Law of the People's Republic of China, a prohibition on importing coal, iron, iron ore, gold ore, titanium ore, vanadium ore and rare earth minerals from the Democratic People's Republic of Korea, stipulating exceptions for coal, iron and iron ore imports from the Democratic People's Republic of Korea that satisfy the following two requirements: first, that such transactions have been determined to be exclusively for the purposes of people's livelihood and unrelated to generating

revenue for the nuclear or ballistic missile programmes or other activities of the Democratic People's Republic of Korea prohibited by the resolutions, and second, that the coal concerned has been confirmed to have originated outside the Democratic People's Republic of Korea and was transported through the Democratic People's Republic of Korea solely for export from the Port of Rajin, is unrelated to generating revenue for the nuclear or ballistic missile programmes or other activities of the Democratic People's Republic of Korea prohibited by the resolutions, and has undergone the procedures associated with those requirements. Also announced was a prohibition on the export to the Democratic People's Republic of Korea of aviation fuel, stipulating the following two exceptions: first, that the Committee has approved in advance on an exceptional case-by-case basis the transfer to the Democratic People's Republic of Korea of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use; and second, that the prohibition shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the Democratic People's Republic of Korea exclusively for consumption during its flight to the Democratic People's Republic of Korea and its return flight.

(f) The Chinese Government has taken measures to implement the provisions of resolution 2270 (2016) regarding financial sanctions, including a prohibition on the opening by Chinese financial institutions of new branch offices in the Democratic People's Republic of Korea and on the opening by Democratic People's Republic of Korea banks of new branch offices in China; the termination of cooperative or agency relationships with Democratic People's Republic of Korea banks; the closing of branch offices of Democratic People's Republic of Korea banks currently operating in China; and the strengthening of the supervision of public and private financial support for China-Democratic People's Republic of Korea trade, in order to ensure that no public or private support is contributed to the nuclear or ballistic-missile programmes or other activities of the Democratic People's Republic of Korea prohibited under Security Council resolutions.

4. Under the "one Country, Two Systems" principle, the Chinese Central Government is responsible for managing the foreign relations and defence of the Hong Kong and Macao Special Administrative Regions of China, while those Regions enjoy executive, legislative and independent judicial power, including that of final adjudication. For this reason, the Hong Kong and Macao Special Administrative Regions shall, upon notification by the Central Government, formulate their own laws and regulations for the practical implementation of resolution 2270 (2016).

5. The Chinese Government is of the view that all countries have the duty comprehensively and faithfully to implement the sanctions provisions of resolution 2270 (2016), but does not favour the arbitrary interpretation or expansion of the sanctions. Resolution 2270 (2016) contains not only sanctions provisions, but also supports and calls for the resumption of the Six-Party Talks and supports the commitments set forth in the Joint Statement of September 2005. The resolution should be implemented in a comprehensive and balanced manner.

6. The Chinese Government has consistently advocated the denuclearization of the Korean peninsula, the maintenance of peace and stability on the Korean peninsula, and the resolution of problems through dialogue and consultation. Sanctions are not a goal, nor can Security Council resolutions fundamentally resolve the nuclear issue on the Korean peninsula. Dialogue and

negotiation are the only correct path toward resolving that issue. To expeditiously improve the situation and explore viable paths toward resolving the nuclear issue on the Korean peninsula, China urges all parties concerned to work in tandem to promote the holding of negotiations on denuclearizing the peninsula and on replacing the Korean armistice with a peace agreement, and to avoid actions that exacerbate tensions on the Korean peninsula. China opposes the deployment of the Terminal High Altitude Area Defence (THAAD) anti-missile system on the peninsula. China will continue to foster communication and coordination among all parties concerned and play a positive and constructive role in the early achievement of durable peace and security on the Korean peninsula.

United Nations S/AC.49/2016/35

Security Council

Distr.: General
23 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 20 June 2016 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Czech Republic to the United Nations in New York presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has to honour to inform the Committee about the concrete measures taken by the Government of the Czech Republic to effectively implement the provisions of resolution 2270 (2016).

The Czech Republic, as a member State of the European Union, implements the provisions of Security Council resolutions that fall within the scope of competence of the European Union through the latter's decisions and regulations. The Czech Republic has been taking part in the preparation of European Union legal instruments implementing the provisions of the relevant paragraphs of resolution 2270 (2016), with the aim of adopting them without delay, as it did on previous occasions with regard to resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).

The European Union has implemented restrictive measures in line with the broadened scope of the United Nations sanctions regime. The transposition of the sanctions included in resolution 2270 (2016) was concluded on 31 March 2016 by the adoption of Council Decision (CFSP) 2016/476. This decision precisely lists the amendments introduced by resolution 2270 (2016), implements the respective restrictive measures, including the prohibition of the sale or supply of aviation fuel and the prohibition on establishing new joint ventures with banks of the Democratic People's Republic of Korea (DPRK), and defines the jurisdiction of European Union member States. On 31 March 2016, the European Union also listed the Korea National Insurance Corporation, which is generating substantial foreign-exchange revenue that could contribute to the DPRK nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes.

In addition to the implementation of resolution 2270 (2016), the European Union approved some autonomous sanctions against the DPRK. On 19 May 2016, the Council added 18 persons and one entity to the list of those already subject to European Union restrictive measures against the DPRK. The persons subject to restrictive measures under Council Decision (CFSP) 2016/785 are mostly high-

ranked military officials involved in key bodies responsible for supporting or promoting the DPRK nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes. The additional listed entity is involved in the development and operational implementation of ballistic missile-related or other weapons of mass destruction-related programmes. Sanctions include travel restrictions and an asset freeze. The decision brings the total number of persons subject to European Union restrictive measures to 66 and the number of entities to 42. The legal acts, including the names of the persons and entity concerned, were published in the Official Journal of the European Union of 20 May 2016, which constitutes the day of entry into force of the Council decision.

Once the above-mentioned European Union legal instruments (Council decisions and regulations) have been adopted, they are directly applicable through Czech Republic legislation, without any need for transposition.

The Czech Republic is pleased to further inform the Committee that, at the national level, the country, as a member of all relevant international export control regimes, already has in place all the necessary tools to be able to implement the above-mentioned Security Council resolutions and subsequent European Union legal instruments on the export of sensitive goods and technology that could contribute to DPRK programmes related to nuclear and other weapons of mass destruction or DPRK ballistic missile-related programmes.

United Nations S/AC.49/2016/36

Security Council

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24 June 2016

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 23 June 2016 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of the Socialist Republic of Viet Nam on the implementation of Security Council resolution 2270 (2016) (see annex).

16-11779 (E) 220716

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Annex to the note verbale dated 23 June 2016 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

Report by Viet Nam on its implementation of United Nations Security Council resolution 2270 (2016)

Pursuant to paragraph 40 of Security Council resolution 2270 (2016), Viet Nam hereby submits its report on the measures undertaken to implement the resolution, as follows.

1. Overview

It is the consistent policy of Viet Nam to support disarmament and the non-proliferation of weapons of mass destruction, especially nuclear weapons. As a responsible member of the United Nations, Viet Nam has always fully implemented its obligations under relevant Security Council resolutions, in particular resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), including by submitting its reports (S/AC.49/2007/9, S/AC.49/2009/31 and S/AC.49/2013/20).

Resolution 2270 (2016) was expediently translated into Vietnamese and the text made known to all relevant ministries, agencies and local authorities, in writing and through inter-agency meetings. The Ministry of Foreign Affairs is the Government agency responsible for the implementation of the resolution with an inter-agency focal-point mechanism for smooth coordination and information-sharing among different ministries, agencies and local authorities. The ministries, agencies and local authorities have disseminated the contents of the resolution, including the annexes, to relevant subsidiary bodies, entities and individuals, including businesses operating within the territory or under the jurisdiction of Viet Nam.

2. Legal basis and implementation measures

In addition to the information provided in the previous reports on the implementation of Security Council resolutions regarding the DPRK, Viet Nam would like to provide the following updates:

(a) Export, import and transfer of arms and related materiel (including training, maintenance, etc.) mentioned in paragraphs 5, 6 and 7

Legal basis

In Viet Nam, the State exercises exclusive control over all weapons; individuals without proper authority and mandate are not allowed to own or use weapons. Under the law of Viet Nam, weapons and related materials are considered special goods, and their production, stockpiling, transportation and sales are prohibited except by authorized agencies and individuals. Moreover, Government Decree No. 187/2013/ND-CP of 20 November 2013 specifies that the export and import of arms, ammunition and military equipment are restricted (the Ministry of Defence promulgates the detailed list). The Penal Code specifies penalties for the illicit production, stockpiling and transportation of, and trade in, weapons, explosives, radioactive and inflammable materials and toxins. The ordinance on the

control and use of weapons, explosives and law enforcement equipment (2011) further specifies provisions for the strict control of weapons.

The position of Viet Nam regarding the non-proliferation of nuclear weapons and the peaceful use of nuclear energy is reflected through various normative acts, such as the 2008 Law on Nuclear Energy, the Ordinance on Radiation Safety and Control (1996), Decree No. 07/2010/ND-CP of 25 January 2010 on the implementation of the Law on Nuclear Energy, Decision No. 450/QD-TTg of the Prime Minister of 25 March 2011 approving the project on the application of security measures in the field of atomic energy, including measures to prevent the illegal import, export and transportation of nuclear materials, and Decision No. 45/2010/QD-TTg of 14 June 2010 of the Prime Minister on the safeguarding of nuclear facility and materials.

Implementation measures

Viet Nam agencies have been informed of and updated on the new contents and measures and been instructed to strictly implement resolution 2270 (2016). No activities related to the provisions in these paragraphs have been found.

(b) Export, import, transfer and inspection of goods mentioned in paragraphs 8, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 37 and 39

Legal basis

Decree No. 215/2013/ND-CP of 23 December 2013 and Decree No. 08/2015/ND-CP of 21 January 2015 specify subjects of customs clearance, which include: (i) export, import and in-transit goods; items on means of transport while exiting, entering and transiting; foreign and Viet Nam currencies in cash, negotiable instruments, gold, precious metals, precious stones, cultural products, relics, antiquities, treasures, export and import parcels; luggage while entering, exiting or transiting; other exporting, importing or transiting items in areas under the authority of the customs agency; and (ii) means of exiting, entering or transiting by land, rail, air, maritime or domestic water.

Authorization for the landing and over-flight of aircraft and port arrival and departure of vessels is provided for in Decree No. 125/2015/ND-CP of 4 December 2015 on detailed provisions on flight administration and Decree No. 21/2012/ ND-CP of 21 March 2012 on detailed provisions on the management of ports and maritime routes.

Implementation measures

Vietnamese and foreign business groups, corporations, subsidiaries and companies have been informed of the relevant contents of the resolution. The measures stipulated in paragraphs 8 and 18 are being applied in Viet Nam territory, including seaports and airports, in accordance with national and international laws, in order to implement the provisions related to goods mentioned in the resolution and its annex IV. Viet Nam does not sign or make any transaction or exchange relating to items prohibited under the resolution.

Viet Nam has also disseminated and is implementing measures related to vessels and aircrafts, as stipulated in paragraphs 19 to 22, and has not found any violations.

(c) Technical assistance and training activities mentioned in paragraphs 9 and 17

Vietnamese agencies have been informed of and updated on the new clarifications contained in these paragraphs. Viet Nam does not have any of these activities.

(d) Deportation, entry and transit of individuals mentioned in paragraphs 10, 11, 12, 13, 14, 15 and 16:

Legal basis

Law No. 47/2014/QH13 of 16 June 2014 on the entry, exit, transit and stay of foreigners stipulates that the Ministry of Public Security is the Government agency responsible for the State management of the entry, exit, transit and stay of foreigners in Viet Nam. In addition, there are new legal documents (not mentioned in the previous reports from Viet Nam), including Decree No. 92/2015/ND-CP of 13 October 2015 on air transport security and Decree No. 112/2014/ND-CP of 21 November 2014 on the management of land border gates.

Implementation measures

Vietnamese agencies have been informed of and updated on the new provisions and measures of resolution 2270 (2016) and the entities and individuals listed in annexes I and II. These individuals have been added to the "suspension from entry" list (the term "suspension from entry" is mentioned in article 21 of the 2014 law on the entry, exit, transit and stay of foreigners in Viet Nam).

Regarding the two DPRK citizens mentioned in annex I, namely, Kim Jung Jong and Choe Song Il:

- Viet Nam has carried out thorough reviews and investigations, and has established facts relating to the two individuals. Relevant Vietnamese agencies have determined that these individuals are, respectively, the third secretary and a staff member of the DPRK embassy in Ha Noi; the passport number of Choe Song Il is different from that mentioned in the resolution (relevant information has been provided to the Panel of Experts). Kim Jung Jong and his family members left Viet Nam in January 2016, before the adoption of resolution 2270 (2016); Choe Song Il and his family members left Viet Nam in April 2016. Viet Nam has not found any evidence ascertaining that these individuals are "Tanchon Commercial Bank Representatives in Viet Nam" as mentioned in the description in annex I, and this "bank" does not have any presence in Viet Nam (further details regarding Tanchon Commercial Bank can be found in paragraph 2 (g) below).
- Viet Nam has carried out numerous extensive investigations and confirmed that there are no representative offices or branches of listed DPRK entities operating in Viet Nam. Taking note of the information in paragraph 16 of the resolution on the possibility of the use of shell companies, Viet Nam will continue to investigate and fully implement resolution 2270 (2016) and other relevant Security Council resolutions.

(e) Freezing assets and other economic resources mentioned in paragraphs 32 and 36

Legal basis

Viet Nam has established a legal basis and implemented measures to prevent and combat money laundering in transactions in money or other assets. This legal basis includes the 2010 Law on the State Bank of Viet Nam, the 2010 Law on Credit Institutions, the 2013 Law on Anti-Money Laundering, the 2015 Penal Code and the 2005 Ordinance on Foreign Exchange, as well as the Government decrees on the implementation of measures in the 2013 Law on Anti-Money Laundering, on the 2014 administrative penalties in monetary and banking operations, on payments through payment service institutions and on the organization and operation of the People's Credit Funds.

The State Bank of Viet Nam, in particular the Anti-Money Laundering Department, is the focal point on this issue. The Ministry of Public Security is the leading authority in investigating offences, coordinating with the State Bank of Viet Nam to take necessary preventive measures in anti-money laundering operations.

Implementation measures

Vietnamese agencies have been informed of and updated on the new contents and measures of the resolution. The State Bank of Viet Nam has undertaken highly precautionary measures while directing banking and credit institutions to fully implement, at the highest level, standards of customer identification and make reports on over-threshold cash transactions (CTR200, CTR500), international electronic money transfers and suspicious transactions to the Anti-Money Laundering Department, the banking inspection and supervision authority for monitoring, handling and reporting to competent authorities.

Regarding the two individuals, namely, Kim Jung Jong and Choe Song Il, Viet Nam has implemented financial and economic measures in accordance with provisions outlined in resolution 2270 (2016).

(f) Opening bank branches and representative offices mentioned in paragraphs 33, 34 and 35

Legal basis

According to Law No. 47/2010/QH12 of 16 June 2010 on credit institutions, the State Bank of Viet Nam is responsible for the establishment, organization, operation, special control, re-organization and closure of credit institutions, and the establishment, organization and operation of foreign bank branches, representative offices of credit institutions and other international organizations related to banking activities.

Implementation measures

Vietnamese agencies have been informed of, and updated on, the new contents and measures of the resolution. The relevant authorities, including the State Bank of Viet Nam, have requested that the agencies dealing with licensing management, and foreign bank monitoring, surveillance and inspection in Ha Noi and Ho Chi Minh City thoroughly cross-check the internal system, and have thus confirmed that the State Bank has never granted permission to open, nor is there any information

regarding the existence of, a representative office, branch or subsidiary of Tanchon Commercial Bank in Viet Nam.

Viet Nam has also carried out investigations and verified that there are no Vietnamese banks that have representative offices, subsidiaries or banking accounts in the DPRK. The State Bank of Viet Nam has informed and updated all commercial banks on the new provisions and measures and requested that they strictly implement resolution 2270 (2016), including the measures relating to representative offices, subsidiaries or banking accounts in the DPRK.

3. Conclusion

Over the past few months, Viet Nam's competent authorities, including at the centralized and local levels, law enforcement agencies, protection forces at borders and entry points, including seaports and airports, have taken active and effective measures to manage and control export and import activities, financial transactions, entries and exits, thereby contributing to the maintenance of political security and social order in Viet Nam. Viet Nam has immediately taken the necessary measures relating to the entities and individuals mentioned in the annexes to the resolution.

Based on the above-mentioned information, in accordance with paragraph 45 of resolution 2270 (2016) directing the Committee to update the information contained on its list of individuals and entities, Viet Nam requests that the Committee update and appropriately reflect the descriptions of the two individuals mentioned in annex I to the resolution, because Kim Jung Jong and Choe Song Il are not "Tanchon Commercial Bank Representatives in Viet Nam" and they are no longer in Viet Nam; henceforth they may best be described as "Tanchon Commercial Bank Representatives".

As a responsible member of the United Nations, Viet Nam seriously implements relevant Security Council resolutions. Viet Nam has been working, and will continue to work, closely with the Committee and the Panel of Experts on implementing resolution 2270 (2016).

United Nations S/AC.49/2016/37

Security Council

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29 June 2016
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Original: French

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 June 2016 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report on the implementation by France of resolution 2270 (2016), in accordance with the provisions of paragraph 40 (see annex).

16-11701 (E) 130716 130716

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Annex to the note verbale dated 27 June 2016 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

Report of France to the Security Council on measures taken to implement resolution 2270 (2016)

I. Introduction

Resolution 2270 (2016) of 2 March 2016 substantially strengthens the sanctions regime against the Democratic People's Republic of Korea by introducing new sectoral sanctions, including an embargo on exports of certain natural resources from that country. The existing provisions are also strengthened, such as the restriction on access to foreign currency that enables the procurement of equipment for the development of nuclear and ballistic missile programmes and the restriction on the import of other equipment.

In paragraph 40 of resolution 2270 (2016), the Security Council:

> Calls upon all States to report to the Security Council within ninety days of the adoption of [resolution 2270 (2016)], and thereafter upon request by the Committee, on concrete measures they have taken in order to implement effectively the provisions of this resolution, requests the Panel of Experts established pursuant to resolution 1874 (2009), in cooperation with other UN sanctions monitoring groups, to continue its efforts to assist States in preparing and submitting such reports in a timely manner, and directs the Committee to prioritize outreach to those Member States who have never submitted implementation reports as requested by the Security Council.

In accordance with these provisions, France wishes to draw the Security Council's attention to the measures taken to implement paragraphs 6-15, 17-23 and 27-39 of the resolution.

(a) Resolutions of the Security Council are transposed into European law by decisions and regulations of the Council of the European Union. Measures within the jurisdiction of member States (travel bans, arms embargo) are implemented by them on the basis of Decision (CFSP) 2016/319 of the Council of the European Union of 4 March 2016, which transposes the new designations established by resolution 2270 (2016), and Decision (CFSP) 2016/476 of 31 March 2016, which transposes the sectoral measures. Measures within the jurisdiction of the European Union, such as the asset freeze and the restrictions on imports and exports (apart from the arms embargo), are the subject of regulations of the European Union (Commission Implementing Regulation (EU) 2016/315 of 4 March 2016 and Council Regulation (EU) 2016/682 of 29 April 2016).

Decision (CFSP) 2016/476 and Regulation (EU) 2016/682 provide for the implementation of the provisions of resolution 2270 (2016), namely:

- Extension of the prohibition of imports and exports;
- Prohibition of the export of aviation fuel to the Democratic People's Republic of Korea;

- Prohibition of the procurement from the Democratic People's Republic of Korea by nationals of Member States or using Member States' flag vessels or aircraft of gold, ores and rare earth minerals;
- The obligation to expel diplomats involved in illegal activities;
- The obligation to expel nationals of the Democratic People's Republic of Korea who have been determined by Member States to be acting on behalf or at the direction of a designated individual or entity or to be assisting in the evasion of sanctions;
- The obligation to close the offices of designated entities and expel their representatives;
- Prohibition of specialized teaching or training of nationals of the Democratic People's Republic of Korea within Member States' territories or by their nationals;
- Expansion of the obligation to inspect cargo;
- Prohibition of the leasing or chartering of the flagged vessels or aircraft of a Member State or the provision of crew services to the Democratic People's Republic of Korea or to designated individuals or entities;
- Denial of permission to any aircraft to take off from, land in or overfly a State's territory if the State has information that provides reasonable grounds to believe that the aircraft contains items in which trade is prohibited by resolutions of the Security Council;
- Prohibition of entry into the ports of the European Union of any vessel controlled by a designated entity or suspected of involvement in illegal activities;
- The freeze of assets of entities of the Government or the Workers' Party of Korea that are involved in illegal activities;
- Prohibition of the opening and operation of new branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea;
- The obligation to close existing offices and branches of banks of the Democratic People's Republic of Korea within 90 days;
- The obligation to close offices, subsidiaries or banking accounts of European Union business operations in the Democratic People's Republic of Korea;
- Extension of the prohibition of financial support for trade with the Democratic People's Republic of Korea;

(b) These measures fall within the broader framework of strengthened European Union action to combat proliferation. Adopted in 2008 when France held the Presidency of the Council of the European Union, and extended by Council document 15104/13 of October 2013, the new lines for action by the European Union in combating proliferation strengthen the implementation of the 2003 European non-proliferation strategy, in particular in terms of combating proliferation flows, controlling access to sensitive information and adapting to the strategies of proliferators.

On 27 May 2016, the Council of the European Union adopted Decision (CFSP) 2016/849 imposing additional autonomous individual and sectoral measures on the Democratic People's Republic of Korea. In particular, the Decision:

- Extends the list of luxury goods subject to an export prohibition;
- Prohibits the import of luxury goods;
- Extends the prohibition of exports from the Democratic People's Republic of Korea to petroleum products;
- Prohibits financial transactions without the prior authorization of the competent authorities;
- Extends the prohibition of public financial support for trade with the Democratic People's Republic of Korea;
- Prohibits any vessel of the Democratic People's Republic of Korea from entering the territory of the European Union and any aircraft of the Democratic People's Republic of Korea from entering or overflying the territory of the European Union;
- Prohibits any new investment in the Democratic People's Republic of Korea and any new investment from that country.

The European Union has also strengthened its autonomous individual sanctions against the Democratic People's Republic of Korea by designating 18 officials of the country and one entity responsible for the operational implementation of nuclear and ballistic missile programmes. France has played a leading role in Brussels in strengthening these sanctions.

(c) At the national level, French law establishes an autonomous offence of proliferation financing (Act No. 2011-266 of 14 March 2011 on combating the proliferation of weapons of mass destruction and their delivery systems).

The following section describes the measures taken by France pursuant to paragraphs 6-15, 17-23 and 27-39 of resolution 2270 (2016).

II. Embargo and asset freeze

A. Embargo on arms and related materiel

The export from France of war materiel is strictly controlled on the basis, inter alia, of article L2335-2 of the Defence Code (an instrument having the force of law), which:

> Prohibits the export, without prior authorization, of war materiel and related items to non-members of the European Union and the territories outside the customs territory of the European Union.
>
> The administrative authority establishes the list of war materiel and related items subject to prior authorization and exceptions to this authorization.

The scope of this prohibition is defined by the Decree of 27 June 2012, as amended, which repeats the items in the Common Military List of the European Union and adds space-related items and technologies. The law provides for criminal penalties

in cases of failure to comply with the legislative and regulatory provisions concerning the export of war materiel and related items (Defence Code, art. L2339-11-1).

Export licences, which constitute an exception to that prohibition, may be issued only on completion of an interministerial review procedure. However, in the light of Security Council resolution 1718 (2006), Council Common Position 2006/795/CFSP and amended Council Regulation (EC) No. 329/2007, the interministerial commission to review exports of war materiel would reject any application for a licence to export war materiel to the Democratic People's Republic of Korea. Nonetheless, no French company has sought a licence to export such items to that country for many years.

B. Embargo on items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea

Under the interministerial procedure for reviewing applications for licences to export dual-use items, all applications for licences to export items listed in Council Regulation (EC) No. 428/2009 of 5 May 2009 (last amended by delegated Council Regulation (EC) No. 2015/2420 of 12 October 2015) are denied.

C. Embargo on luxury goods, gold and precious metals

All French business operations have access to the national automated comprehensive listing of tariffs (RITA), which reflects the provisions of amended Council Regulation (EC) No. 329/2007 (list of luxury goods in annex III), and the comprehensive tariff database of the European Union (TARIC).

The French customs services systematically certify that exports to the Democratic People's Republic of Korea do not include items listed in annex III of amended Council Regulation (CE) No. 329/2007. If the merchandise being exported is confirmed as appearing on the list in annex III, its export is prohibited.

D. Freezing of financial assets and economic resources and prohibition of funding

Banks and financial institutions in France are informed of European Union measures regarding the designation of entities and individuals subject to an assets freeze via, inter alia, the Official Journal of the European Union, the consolidated list of financial sanctions of the European Union[1] and the website of the Department of the Treasury (via a dedicated page on the sanctions regime against the Democratic People's Republic of Korea[2] and a single list of freezing measures applicable in France),[3] and they are required to implement them without delay.

[1] http://eeas.europa.eu/cfsp/sanctions/consol-list/index_en.htm.
[2] www.tresor.economie.gouv.fr/3751_Coree-du-Nord.
[3] http://www.tresor.economie.gouv.fr/11448_liste-unique-de-gels.

Since 2012, France, pending the publication of the European Regulation, has applied a national freezing order on the basis of article L562-2 of the Monetary and Financial Code, which, in accordance with Recommendation 7 of the Financial Action Task Force, implements without delay in France the asset freeze measures adopted by the United Nations under the sanctions regime against the Democratic People's Republic of Korea. This order also applies to the overseas countries and territories that are not covered by European regulations.

On the basis of United Nations resolutions and European texts, towards the end of January 2014, France proceeded to designate an additional three individuals subject to the asset freeze under a decree issued by the Minister of Finance and Public Accounts pursuant to articles L562-2 ff. of the Monetary and Financial Code. Those designations were made on the grounds that those individuals were at risk of committing acts in relation to the Democratic People's Republic of Korea that are referred to or prohibited by resolutions adopted under Chapter VII of the Charter of the United Nations or decisions taken under article 15 of the Treaty on European Union. That freeze, for an initial period of six months, was extended at the end of July 2014 and renewed at the end of January 2015 for two individuals. These national freezing measures have expired since 1 August 2015.

E. Denial of entry into the territory

Since the announcement of the nuclear test carried out on 9 October 2006, France has severely restricted access to its territory by nationals of the Democratic People's Republic of Korea. Visa applications from non-listed persons with high-level State or Party responsibilities are examined by the French authorities on a case-by-case basis and, barring some exceptions, are denied.

F. Inspection of cargo shipped to or from the Democratic People's Republic of Korea

Special control measures applicable to trade from or to the Democratic People's Republic of Korea have been implemented by the French customs authorities. These measures apply to exports to or imports from the Democratic People's Republic of Korea of weapons and goods which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes. In addition, the fraud monitoring system is alerted to any shipments of prohibited items that may be transported by sea to or from the Democratic People's Republic of Korea.

III. Financial sanctions

A. Obligation not to enter into new commitments for grants, financial assistance or loans to the Democratic People's Republic of Korea and to reduce current commitments

France provides no financial assistance or concessional loans, either individually or through its participation in international financial institutions, to the

Democratic People's Republic of Korea, except for the purposes specified by the Security Council.

B. Obligation not to provide public financial support for international trade which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea

The credit insurance policy of France is closed to the Democratic People's Republic of Korea, which means that no insurance coverage is possible for companies that wish to export goods to that country.

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Security Council

Distr.: General
29 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 June 2016 from the Permanent Mission of South Africa to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and whose mandate also applies to measures imposed in resolution 2270 (2016) and has the honour to refer to its diplomatic note No. 296/2016 dated 8 June 2016.

In addition to the information provided in the aforementioned diplomatic note, further action has been undertaken by the Government of South Africa to implement the necessary measures to give effect to the provisions of resolution 2270 (2016), including:

- The South African Reserve Bank disseminated resolution 2270 (2016) for comment and implementation to affected departments such as the Financial Surveillance Department (FinSurv), which regulates cross-border foreign exchange transactions in terms of powers delegated to it by the Minister for Finance under the Exchange Control Regulations, 1961. Only duly appointed Authorized Dealers in foreign exchange and Authorized Dealers in foreign exchange with limited authority are permitted to buy, sell, lend or borrow foreign exchange instruments for permissible purposes, subject to specific terms, conditions and limits contained in the Exchange Control Rulings issued by the Department. Applications for foreign exchange that fall outside the scope of the Rulings must be referred to the Department for adjudication. The vast majority of foreign exchange transactions are conducted by Authorized Dealers in foreign exchange and Authorized Dealers in foreign exchange with limited authority without reference to the Department. Authorized Dealers in foreign exchange and Authorized Dealers in foreign exchange with limited authority are also required to adhere to other legislation, including but not limited to the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) (FIC Act).

  The South African Reserve Bank, through its Bank Supervision Department and the Financial Surveillance Department, is mandated to supervise accountable institutions and enforce compliance with the Financial

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Intelligence Centre Act by those under its supervision, to ensure that the necessary controls are in place for combating money laundering and the financing of terrorism. This includes a periodic review of their sanctions screening systems and procedures.

Furthermore, in its electronic systems, the Financial Surveillance Department has flagged the names of the parties subject to sanctions, which means that any application for foreign exchange received by the Department and that involves parties subject to sanctions will be referred to designated staff for adjudication. This flagging does not include foreign exchange transactions conducted by Authorized Dealers in foreign exchange and Authorized Dealers in foreign exchange with limited authority that have not been referred to the Department.

Insofar as the South African Reserve Bank engages in cross-border SWIFT transactions itself, or on behalf of others, its Financial Markets Department makes use of the SWIFT Sanctions Screening tool to screen all outgoing transactions against the sanctions lists of the Office of Foreign Assets Control, the United Kingdom, the European Union and the United Nations, among others. All "hits" are evaluated by the South African Reserve Bank's Risk Management and Compliance Department to ensure adherence with applicable sanctions.

- The South African Civil Aviation Authority (SACAA) reported that South Africa, as a signatory State to the Chicago Convention, is an affiliate of the International Civil Aviation Organization (ICAO), a United Nations body tasked with the oversight of civil aviation activities of affiliate States. The Authority is an agency of the Department of Transport established as a stand-alone entity in accordance with the South African Civil Aviation Authority Act 1998 (Act No. 40 of 1998), now fully repealed by the Civil Aviation Act 2009 (Act No. 13 of 2009), to oversee the regulation of civil aviation safety and security in this country. To this end, the Authority conducts business on behalf of the State as dictated by its mandate.

Civil aviation activities are of a global nature and, as a result, the contents of resolution 2270 (2016) will have an impact on the following areas:

(a) The South African Civil Aviation Authority produces personnel licences for aviation personnel from various countries as needed;

(b) South African aviation security training organizations train students and aviation personnel from various countries as a result of the quality of training provided in the Republic of South Africa;

(c) South African Civil Aviation Authority operations allow for the type certification of aircraft from various countries;

(d) As a representative of the country, the Authority would also enter into memorandums of understanding and memorandums of agreement that flow from various bilateral agreements by the State or by Government departments, and as a consequence of such agreements, the Authority would conduct business with various countries;

(e) From time to time, members of the civil aviation industry would lease aircraft from other States for business or similar purposes;

(f) South Africa also issues foreign operator permits to airlines of foreign States operating into South Africa and pilot licence validations to foreign nationals who are operating South African registered aircraft;

(g) In compliance with ICAO Standards and Recommended Practices, the Authority, through its independent aircraft investigations arm, may be required from time to time to participate in aircraft accident investigations, either because a South African registered aircraft is involved or because South African citizens are affected in various countries around the world;

(h) When an opportunity arises, the Authority, through its independent unit, may bid on contracts for the provision of calibration of navigational aids at airports in various countries for a fee.

At the macro level, the sanctions as stated in resolution 2270 (2016) can have an impact on the South African Civil Aviation Authority through the Authority's association with its clientele/industry. To this end, the Authority notes the sanctions, together with the stated restrictions, and confirms that all efforts would be made to comply with the resolution, and that the Authority will further notify our industry as far as possible.

The Authority therefore undertakes to put the following measures in place to effect the sanctions outlined in the resolution:

(a) No aircraft from the DPRK will be entered into the South African Civil Aircraft Register;

(b) No personnel licences for any DPRK national will be issued, renewed or validated;

(c) The Authority will not participate in the processing of foreign operator permits from nationals of the DPRK;

(d) The Authority will not type certify any aircraft from DPRK;

(e) The Authority will issue notices to the civil aviation industry of the Republic of South Africa to raise awareness regarding the resolution;

(f) The Authority will notify its employees regarding the resolution.

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Security Council

Distr.: General
11 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 8 July 2016 from the Permanent Representative of Mongolia to the United Nations addressed to the Chair of the Committee

I have the honour to submit herewith the report of the Government of Mongolia with regard to Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) (see annex).

I would be grateful if you would have the present letter and its annex issued as a document of the Security Council.

(*Signed*) Sukhbold **Sukhee**
Ambassador
Permanent Representative

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Annex to the letter dated 8 July 2016 from the Permanent Representative of Mongolia to the United Nations addressed to the Chair of the Committee

National report of the Government of Mongolia on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016)

As a full-fledged Member of the United Nations, Mongolia supports Security Council resolutions 1718 (2006), 1874 (2009), 2087, 2094 (2013) and 2270 (2016) on restriction measures with regard to the Democratic People's Republic of Korea (DPRK) and is fully committed to their implementation.

Mongolia prepared its initial report on the implementation of resolution 1718 (2006) and submitted it in March 2007 to the Committee established pursuant to resolution 1718. In April 2014, the Government of Mongolia submitted its second national report on the implementation of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). The present (third) report includes measures that have been undertaken by the Government of Mongolia towards the implementation of resolution 2270 (2016), in addition to those measures outlined in its previous reports.

Following the adoption by the Security Council of resolution 2270 (2016), the Ministry of Foreign Affairs of Mongolia accordingly informed all relevant ministries and other government institutions about their obligations under this resolution. Additionally, the list of individuals, entities, Ocean Maritime Management Company, Limited vessels and luxury goods subject to the sanctions established under the resolution was distributed to all ministries and government institutions concerned.

In implementing resolution 2270 (2016), the law enforcement agencies and border control authorities of Mongolia have undertaken relevant measures to strengthen border and customs control over the movement of goods and vehicles to and from the Democratic People's Republic of Korea. The Customs General Administration, the sanctions enforcement authority of Mongolia, has ordered its affiliates not to permit the export, import or transit to or from the DPRK of items and services covered by the above-mentioned resolution.

Mongolia does not purchase from the DPRK any item that could contribute to prohibited programmes or activities or evasion of sanctions. According to the statistical data provided by the Customs General Administration, the total value of imports from DPRK was $824,100 in 2015, which constituted medication in measured doses and food products.

Pursuant to the Law on Combating Money-Laundering and Terrorism Financing adopted by the Parliament of Mongolia on 8 July 2006, the Financial Information Unit was established within the Bank of Mongolia.

The core function of the Financial Information Unit is to receive reports on suspicious transactions from financial institutions, individuals and other entities, to analyse them and to disclose the results to local law-enforcement organizations and financial intelligence units in other countries to combat money-laundering. Within the framework of its functions the Financial Information Unit oversees the implementation of Security Council resolutions imposing sanctions against the DPRK.

In addition, there is no branch, subsidiary or representative office of any DPRK bank opened in Mongolia. Likewise, the financial institutions of Mongolia do not have representative offices, subsidiaries or banking accounts in the DPRK. There has been no case of public financial support being provided for trade with the DPRK that could contribute to its prohibited programs or activities, or to the evasion of sanctions.

Moreover, the relevant ministries and border control and customs authorities have been reminded of their obligations under resolutions 1718 (2006), 1874 (2009), 2087 and 2094 (2013) and 2270 (2016), including those related to the inspection of all cargo to or from the DPRK, or brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf, if they have information that provides reasonable grounds to believe the cargo contains prohibited items. There has been no case registered in this regard.

Mongolia is a landlocked country. It has over 400 foreign vessels carrying the Mongolian flag on the high seas. There had been some DPRK vessels carrying the Mongolian flag before resolution 2270 was adopted. Upon the instruction of the Ministry of Road and Transport of Mongolia, 14 vessels were de-registered and their contracts terminated. Today, there are no Mongolian-flagged vessels from the DPRK.

In October 2007, Mongolia signed a Proliferation Security Initiative ship-boarding agreement with the United States of America, which entered into force in February 2008. Under this agreement, if a vessel registered in Mongolia is suspected of carrying proliferation-related cargo, either country can request that the nationality of the ship in question be confirmed and, if needed, authorize the boarding, search and possible seizure of the cargo of concern.

Mongolia is committed to more active involvement in the Proliferation Security Initiative process. At present, it is in the process of studying and moving forward, through its national procedure, the matter of joining the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Relevant steps shall also be taken towards accession to the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention).

The relevant ministries and civil aviation, border control and customs authorities of Mongolia have also been reminded of their obligations, including the denial of permission to any DPRK aircraft to take off from, land in or overfly the territory of Mongolia if they have information that provides reasonable grounds to believe that the aircraft contains prohibited items, except for emergency landings. There has been no case registered in this regard.

Furthermore, the Ministry of Foreign Affairs had also alerted the relevant ministries and other government institutions to the provisions of resolution 2270 (2016) relating to luxury goods.

Finally, Mongolia intends to continue its close collaboration with the Security Council Committee established pursuant to resolution 1718 (2006), with the aim of fulfilling the requirements envisaged in resolution 2270 (2016).

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Security Council

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13 July 2016
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 8 July 2016 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Chile to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), has the honour to transmit herewith the report of Chile to the Committee on the measures taken to implement effectively the provisions of resolution 2270 (2016), in accordance with paragraph 40 of that resolution (see annex).

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Annex to the note verbale of 8 July 2016 from the Permanent Mission of Chile to the United Nations addressed to the Chair of the Committee

Report of Chile on its implementation of Security Council resolution 2270 (2016)

The Government of Chile has the honour to submit this report on its implementation of the provisions of Security Council resolution 2270 (2016), in accordance with paragraph 40 of that resolution.

The Ministry of Foreign Affairs of Chile issued Decree No. 57 of 29 April 2016, which provides that all State authorities and bodies shall, within their respective powers, ensure the full and strict implementation of the provisions of Security Council resolution 2270 (2016), including by disseminating the names of the persons, entities and vessels designated as being subject to a travel ban, the freezing of their assets or maritime interdiction measures in annexes I, II and III of the resolution.

Moreover, the National Customs Service of Chile adopted amendments to several of its provisions on the smuggling of goods, which came into effect on 1 January 2015, to facilitate the implementation of the interdiction and transportation measures required under resolution 2270 (2016).

In that regard, under article 168 of the Chilean Customs Ordinance, any person who brings into or takes out of the national territory goods whose import or export is prohibited is guilty of smuggling. Any person who takes goods out of the country at a point not authorized for that purpose or without having declared the goods to the Chilean Customs Service is also guilty of smuggling.

Article 169 of the Customs Ordinance provides that maliciously false declarations concerning the origin, weight, quantity or content of goods for export shall be punishable by ordinary imprisonment of a minimum to medium term and a fine of up to five times the customs value of the goods. That punishment also applies to persons who forge or falsify the certification or analysis required to establish the origin, weight, quantity or content of goods for export. Similarly, consignors are punishable if the declared classification or value of goods they are exporting is based on false, forged or incomplete documentation.

With regard to paragraph 13 of resolution 2270 (2016), concerning governmental representatives acting in a governmental capacity, it should be noted that the Democratic People's Republic of Korea does not have diplomatic representation in Chilean territory.

With regard to paragraph 33 of the resolution, it should be noted that, at the time of writing, there are no banking or financial institutions, or branches or representative offices thereof, from the Democratic People's Republic of Korea in Chile.

Furthermore, in accordance with paragraph 34 of the resolution, there are no Chilean financial institutions operating in the Democratic People's Republic of Korea at the present time.

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Security Council

Distr.: General
13 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 12 July 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

With reference to the note verbale dated 8 July 2016 and on the instruction of my Government, I have the honour to submit to the Security Council Committee established pursuant to resolution 1718 (2006) the requested report of the Government of the Kingdom of the Netherlands on the implementation of Council resolutions 2094 (2013) and 2270 (2016) (see annex).

I would appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

I would also like to take this opportunity to reaffirm our commitment to providing the Committee with any additional information that the Committee deems necessary or may request.

(*Signed*) Paul A. **Menkveld**
Chargé d'affaires a.i.

16-12069 (E) 200716

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Annex to the letter dated 12 July 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013) and paragraph 40 of resolution 2270 (2016), the steps taken by the Government of the Netherlands to implement the measures imposed by resolutions 2094 (2013) and 2270 (2016) are as follows.

The Netherlands is a co-sponsor of Security Council resolution 2270 (2016) and favours its quick implementation.

The implementation of United Nations sanctions is an autonomous competence of Aruba, Curaçao, Sint Maarten and the Netherlands, although the Kingdom of the Netherlands remains accountable under international law. Only the Netherlands is a member of the European Union.

Member States of the European Union implement the provisions of Security Council resolutions that fall within the scope of the competence of the European Union via the relevant European regulatory acts, comprising regulations, decisions and common positions of the Council of the European Union. The Netherlands and the other State members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by the Security Council under resolutions 2094 (2013) and 2270 (2016). Council Decision (CFSP) 2016/476 and Council Regulation (EU) 2016/682 transposing resolution 2270 (2016) into European Union law entered into force on 2 April 2016 and 4 May 2016, respectively. Council Decision 2013/183/CFSP transposing Security Council resolution 2094 (2013) was thus amended by Council Decision (CFSP) 2016/476 and Council Regulation (EU) 2016/682 according to the standards set out in Security Council resolution 2270 (2016) by taking the following common measures:

Council Decision (CFSP) 2016/476 of 31 March[a]

Council Decision (CFSP) 2016/476 sets out the European Union commitment to the implementation of all the measures contained in Security Council resolution 2270 (2016), and provides the basis for accompanying measures specific to the European Union within the scope of the resolution, notably:

- Designation of additional persons and entities (travel ban and asset freeze).
- Extension of export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the DPRK armed forces.
- Requirement to expel DPRK diplomats engaged in illicit activities: targets DPRK diplomats working on behalf or at the behest of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions.
- Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the behest of a designated individual

[a] *Official Journal of the European Union*, L 85, 1.4.2016, pp. 38-46.

or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions.

- Requirement to close offices of designated entities and expel representatives: member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for them or on their behalf, from participating in joint venture or any other business arrangements.
- Ban on specialized training, including teaching or training in specific fields.
- Requirement to inspect DPRK cargo within or transiting through free trade zones or cargo that is being transported on DPRK-flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items.
- Requirement to ban DPRK chartering of vessels or aircraft and deregister vessels, including a prohibition to provide crew services.
- Requirement to prohibit nationals from operating DPRK vessels or using the DPRK flag.
- Ban on flights of any airplane suspected of carrying contraband, with the exception of landing for inspection.
- Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity.
- Export ban on any item that could contribute to DPRK nuclear or ballistic programmes or other weapons of mass destruction programmes.
- Ban on export from the DPRK of specified minerals like coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals.
- Ban on aviation fuel exports to the DPRK like aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel.
- Asset freeze on Government entities or those of the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf.
- Prohibition on the opening and operation of new branches, subsidiaries and representative offices of DPRK banks.
- Obligation to close existing branches, subsidiaries or representative offices of DPRK banks within 90 days.
- Obligation to close existing representative offices, subsidiaries or banking accounts in the DPRK within 90 days.
- Extension of the prohibition on providing financial support for trade with the DPRK and covering private financial support for trade if such financial support could contribute to illicit activities of the DPRK.

Furthermore, on 19 May 2016, the Council decided to impose travel restrictions and an asset freeze against 18 additional individuals and one entity, bringing the total number of autonomous European Union designations to 38 persons and 10 entities. The United Nations currently lists 28 individuals and

32 entities. Together with the United Nations listings, the European Union list contains, in total, 66 persons and 42 entities. On 27 May 2016, the Council adopted Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP and Regulation (EU) 2016/841 concerning restrictive measures against the Democratic People's Republic of Korea. Both acts entered into force on 29 May 2016 and provide for a further expansion of the European Union's own restrictive measures targeting DPRK nuclear weapons of mass destruction and ballistic missile programmes, alongside the provisions of Security Council resolution 2270 (2016).

These regulations set out the European Union commitment to the implementation of all the measures contained in Security Council resolutions 2094 (2013) and 2270 (2016) and provide the basis for implementing measures specific to the European Union within the scope of the resolutions.

As soon as the European regulations were adopted, the Netherlands Minister for Foreign Affairs, in cooperation with the other ministers concerned, laid down the necessary national provisions in secondary legislation, within the framework of the Sanctions Act 1977. Pending the adoption of the European Union regulation and, subsequently, national secondary legislation, the Netherlands implemented its obligations under the Security Council through its existing national legislation and instruments, namely, border patrol, visas and import/export licences.

The national provision is adapted to the latest European Union regulation. This adaptation is currently under consultation with the other ministers concerned.